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COMMISSION ON HUMAN RIGHTS

Fifty-first session

SUMMARY RECORD OF THE 58th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 7 March 1995, at 3 p.m.

Chairman:	Mr. BIN HITAM	(Malaysia)
later:	Mr. MEGHLAOUI (Vice-Chairman)	(Algeria)

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RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN

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GE.95-12297 (E)

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FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS (continued)

The meeting was called to order at 3.10 p.m.

RIGHTS OF THE CHILD, INCLUDING:

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(agenda item 24) (continued) (E/CN.4/1995/94-97, 106, 112, 127, 129, 135 and 151; E/CN.4/1995/NGO/4, 15 and 43; A/49/478 and 643; E/CN.4/Sub.2/1994/34; CRC/C/29, 34, 36 and 37)

Statements in exercise of the right of reply

1. Mr. AHSAN (Bangladesh), replying to the statement by the representative of Pax Christi International at an earlier meeting, in which reference had been made to returnee refugee children who had allegedly not been rehabilitated and therefore could not attend school, said that, of the 1,027 tribal refugee families repatriated in 1994, only nine had still to recover their land. In all nine cases, legal issues were involved and the administration could not intervene in their settlement. Each repatriated family had been given cash grants for house construction and agricultural purchases, as well as a six months' supply of rice; and 420 of the families had already received the cash grant for the purchase of livestock, as promised by the Government.

2. As for the rehabilitation of landless tribals and displaced people, 2,000 families had each been allotted 6.25 acres of high land each as part of the rubber project implemented by the Chittagong Hill Tracts Development Board and partly financed by a loan from the Asian Development Bank. Under the project undertaken by the Forest Department, another 300 families had each been given 5 acres of land for cultivation as well as cash grants. Of the 34 families that had applied for reinstatement in government service, 27 had already been reinstated. The remaining seven cases were under consideration.

3. Students had returned to their schools and colleges, and special dispensation was being considered to enable students who had continued their studies in the refugee camps to sit special examinations.

4. The initiatives of his Government to restore normality in the Chittagong Hill Tracts were sincere, serious and transparent. Wide-ranging consultations were held with the Parbattya Chattagram Jana Sanghati Samity with a view to reaching a negotiated settlement. That process would not, however, be furthered by statements that were neither specific nor substantiated.

5. Mr. HASHMI (Pakistan), speaking in reply to the statement made by the representative of the International Association against Torture at an earlier meeting, said that Jammu and Kashmir was not, as that NGO asserted, an Indian territory. The relevant Security Council resolutions, the United Nations map and official documents, and the continued presence since 1949 of the oldest United Nations peace-keeping operation all indicated that Jammu and Kashmir was a disputed territory whose final status had yet to be determined by a plebiscite, conducted under the auspices of the United Nations, to determine the wishes of the Kashmiri people.

6. The other baseless allegations made by that non-governmental organization (NGO) were not worthy of a response. However, the best way of verifying the credibility of those allegations would be for the Commission to send a neutral fact-finding mission to ascertain the situation in both parts of Jammu and Kashmir.

7. Mr. SRIVASTAVA (India) said that the representative of Pakistan was trying once again to divert attention from the agenda item under discussion, dragging in India instead of responding to the NGO in question. Jammu and Kashmir's legal accession to India had not been questioned by the United Nations. The Constituent Assembly of the state had reaffirmed that accession, and the people of Jammu and Kashmir had repeatedly endorsed that decision through their participation in elections. It was Pakistan that remained in illegal occupation of part of the territory of the state of Jammu and Kashmir, in violation of United Nations resolutions and of the right of the people there to self-determination.

8. Mr. HASHMI (Pakistan), said that the purpose of his previous statement in exercise of the right of reply had been to inform an NGO of a fact that was acknowledged by the United Nations itself. Only a representative of India could have the temerity to challenge the validity of Security Council resolutions. He again urged the Commission to send a fact-finding mission to Jammu and Kashmir to investigate the allegations and counter-allegations of violations of human rights in the occupied territory. His Government would be happy to welcome such a mission.

9. Mr. SRIVASTAVA (India) said that it was Pakistan that remained in illegal occupation of part of the territory of Jammu and Kashmir, which had legally acceded to India. The state of Jammu and Kashmir was open to foreign visitors: as many as 8,000 had visited it in 1994 alone. India's transparency obviated the need for any fact-finding, and the delegation of Pakistan raised the issue only to divert attention from its continued involvement in sponsoring terrorist activities which had led to violations of the human rights of countless civilians.

10. Mr. HASHMI (Pakistan) said that the myth of Indian transparency had already been demolished. At the Commission's fiftieth session, an Indian Minister of State had declared that India would manifest still greater transparency in Jammu and Kashmir, but his Government had not allowed any visit by a thematic rapporteur and a request by Amnesty International to visit the area had been pending for four years. One of the ambassadors permitted to visit Jammu and Kashmir had stated that the ambassadors had been treated like hostages, and prevented from moving freely, from meeting leaders, from talking

to members of the public and from visiting specific localities. The goal of transparency had thus not been achieved. The Commission must send a neutral fact-finding mission to ascertain the real state of affairs in Jammu and Kashmir.

11. Mr. PARREIRA (Angola) said that the representative of the World Organization against Torture had made an irresponsible and completely unfounded statement. Angolan law ruled out any military recruitment of young persons under the age of 18, a prohibition that was strictly observed. Moreover in a letter dated 3 November 1994 addressed to the Assistant Secretary-General for Human Rights, his Government had stated that Angola would welcome a decision by the States parties to the Convention on the Rights of the Child to raise the age of recruitment under article 38 of the Convention from 15 to 18.

12. The CHAIRMAN said that the Commission had thus concluded its deliberations on agenda item 24.

FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS (agenda item 25) (continued) (E/CN.4/1995/5 and Add.1, 98, 109, 131 and 146; A/CONF.157/23)

13. Ms. RAMLI (Malaysia) said that the Vienna Declaration and Programme of Action was the first document to present human rights in a holistic and balanced way. The World Conference on Human Rights had affirmed the universality and interdependence of all human rights and had provided a framework for action.

14. By virtue of his mandate, the High Commissioner for Human Rights was supposed to be in charge of the Centre for Human Rights. Nevertheless, there appeared to be a lack of coordination between the activities of his Office and those of the Centre, giving rise to speculations that he had not fully taken control. The division of labour must be clarified so that the Centre could operate efficiently and be cost-effective.

15. While her delegation appreciated the comprehensive coverage given to the Vienna Conference in the High Commissioner's report on the subject (E/CN.4/1995/98) it could not endorse the recommendations contained therein without a thorough discussion on their merits. For example, it had some reservations concerning the proposal by the chairpersons of treaty bodies to bring potentially threatening human rights situations to the attention of the Security Council. In view of its current structure and recent conduct, the Security Council could hardly claim to be objective and impartial in its decisions. Human rights issues should never be politicized to achieve the selfish aims of particular countries.

16. Following the affirmation at Vienna of the universality and inalienable nature of the right to development, it was time that concrete action were taken. It was regrettable that the Commission had been unable to reach consensus on its recently adopted resolution on the right to development. The developing countries had been unjustly accused of refusing to cooperate in the drafting of that resolution.

17. Despite their rhetoric, the developed countries had yet to make a commitment to the full realization of the right to development. There were also some States which still believed that the right to development was an excuse for limiting fundamental human rights. Others were convinced that democracy was the key to development. Those two archaic views failed to correspond to the holistic approach endorsed at the Vienna Conference. Any measures taken to realize the right to development must be designed to protect all human rights without any hierarchical ordering.

18. Ratification of or accession to international human rights instruments did not, of itself, mean that the level of respect for human rights had increased. States had to embrace and internalize human rights standards. States should, however, be free to determine the pace at which they ratified and acceded to those instruments. Since not every country had had the opportunity to participate in the drafting of the various international conventions, Governments should have the right to make reservations, provided that such reservations did not contradict the object and purpose of the conventions concerned.

19. The Commission on Human Rights must ensure that the special procedures it had created did not become tainted by political selectivity. Once those procedures had been established, every effort should be made to support them.

20. The High Commissioner and the Centre for Human Rights must be provided with adequate resources. She welcomed the fact that the Centre had revised its medium-term plan. However, due to some oversights on the part of the Centre, adoption of the plan by the Fifth Committee had been hindered. The Centre need to revise the plan again so that it could gain the support of all Member States.

21. Mr. Meghlaoui (Algeria), Vice-Chairman, took the Chair.

22. Mr. Young Sam MA (Republic of Korea) said that the establishment of the post of High Commissioner for Human Rights marked a high point in the efforts of the United Nations to promote respect for human rights in the world. The emphasis placed by the High Commissioner on the prevention of human rights violations had introduced a new way of seeking solutions to human rights problems. The High Commissioner's efforts required, however, not only the cooperation of Governments but also substantial human and financial resources. In that connection his Government would continue to contribute to the Voluntary Fund for Technical Cooperation in the Field of Human Rights and to the Voluntary Fund for Victims of Torture.

23. His delegation welcomed the Commission's resolutions and decisions aimed at effectively implementing the recommendations contained in the Vienna Declaration and Programme of Action. It particularly supported the strengthening of international mechanisms and procedures, and the enhancement of the role of special rapporteurs and working groups.

24. Since its adoption in 1993, the Vienna Declaration and Programme of Action had emerged as a framework for the promotion and protection of human rights and as a yardstick with which to measure what had been accomplished in the field of human rights and what remained to be done. Harrowing violations

of human rights had gone unchecked in certain regions of the world. It was the responsibility of the international community, therefore, to transform the framework of the World Conference on Human Rights into substantial action aimed at achieving the goals laid out in the Vienna Declaration and Programme of Action.

25. Ms. GOSPODARCZYK (Poland) said that, when considering ways and means of securing full implementation of the recommendations contained in the Vienna Declaration and Programme of Action, members should focus on forging a crucial three-way relationship between the Commission, the High Commissioner for Human Rights and the Centre for Human Rights. The role of the Commission was to review the state of human rights throughout the world; that of the High Commissioner was to coordinate and supervise United Nations human rights activities; and that of the Centre for Human Rights was to act as a super-secretariat serving the whole United Nations structure. Effective cooperation must be achieved in the framework of that triangle, and possible duplication avoided.

26. Paragraph 17 of the Vienna Programme of Action remained fully valid: there was thus an unquestionable need to rationalize the work of the Commission and its agenda. Two main factors currently impeded the fulfilment of its tasks and objectives. First, its agenda was overloaded and, secondly, no priorities were established for its various tasks. Both problems could be rectified through a better selection of topics and items and the removal of redundant ones. However, that reform should be a gradual one in view of the long process whereby the Commission had evolved to its existing form.

27. Her delegation wished to draw attention to the shortcomings of the confidential procedure under Council resolution 1503 (XLVIII). Many countries whose human rights record was subjected to scrutiny showed no interest in the proceedings. Countries with good human rights records were subjected to the procedure while other countries, where human rights were violated, were not considered under it.

28. The mandate of the High Commissioner for Human Rights comprised two main tasks: responding to serious violations of human rights and acting to prevent violations of human rights from becoming serious or widespread. An early-warning system was a crucial component of both prevention and reaction. The development of an early-warning system could be cost-effective and lead to the prevention of human rights violations at the earliest possible stage, thus diminishing the scale of human suffering.

29. To follow up the Vienna Declaration and Programme of Action and implement its recommendations, a detailed plan of implementation should be established which, in particular, would investigate the links between human rights, democracy and development, and set priorities. Implementation of such recommendations was, however, closely bound up with the precarious financial situation of United Nations human rights activities. Since only 1½ per cent of the regular budget was allocated to that declared priority area, it was necessary to decide what issues called for priority consideration and action.

30. In her delegation's view, priority should be given to three areas, the first of which was prevention. States should be required to accede to the

instruments, mechanisms and procedures for the protection and promotion of human rights in order to forestall an emergency situation. If such a situation arose, an efficient monitoring system was needed, involving fact-finding missions, activities of special rapporteurs and information provided by NGOs. In the wake of an emergency situation, steps must be taken to ensure that human rights violators did not enjoy impunity.

31. The second priority should be strengthening of the implementation mechanism, as a prerequisite for further progress, while the third should be improved cooperation between States, international organizations and NGOs on human rights issues.

32. While the protection of human rights was largely a matter of the political will of States, a precise programme, assigning priorities and equipped with adequate human and financial resources, would assist implementation of the Vienna Declaration and Programme of Action within the United Nations system.

33. Mr. SPIEGEL (United States of America) said that the Vienna Declaration and Programme of Action was the most ambitious and promising plan for advancing human rights ever put forward within the United Nations framework, thus suggesting that the Organization was getting serious about improving the way it dealt with human rights. In accepting the Declaration and Programme of Action, the nations of the world had reaffirmed the universality of human rights and the duty of all States, regardless of their political, economic or cultural systems, to promote and protect all human rights and fundamental freedoms. At the same time, the Declaration and Programme of Action called upon the United Nations to improve the coordination, efficiency and effectiveness of its human rights machinery.

34. His delegation had been an active and proud participant in the World Conference on Human Rights and had supported the Vienna Declaration and Programme of Action in the expectation that the Commission would embrace the call for change and begin serious discussions on how to improve its operations. Unfortunately, that effort had never moved beyond the talking phase and the Commission had quickly reverted to business as usual. It had soon become clear that a handful of countries had no interest in improving the Commission's efficiency or effectiveness. The cautious hope kindled by the working group on reform of the methods of work of the Commission had been undermined by the dilatory and obdurate actions of Iran and Cuba, countries with good reason to fear a more efficient and effective Commission.

35. The vast majority of the members of the Commission, however, wanted to bring the Commission up to the standards set by the Vienna Declaration and Programme of Action and to see real progress on human rights. It was therefore time for the Commission to break out of its routine of making speeches and drafting resolutions and to make a real difference in the promotion and protection of human rights around the world.

36. In that regard, the special rapporteurs, who constituted the core of the Commission's reporting system, were seriously understaffed and underfunded. While some reports were excellent, others tended to reflect the weakness of

the institution which had sent them. Additional resources could be released for the special rapporteurs if, for example, the Commission cut its sessions by a single week.

37. The Commission needed dialogue. Instead of talking past each other, members should look for opportunities to exchange information, ask questions of speakers and special rapporteurs, and organize round-table discussions in which both thematic and country-specific subjects could be raised.

38. It was time to inject more vigour into the Commission and to bring it into the world of twenty-first century telecommunications, including satellite feeds, closed-circuit television and multi-media conferencing. Television screens could be put up in the meeting room to permit members to engage in genuine dialogue with leaders from around the world. Members and special rapporteurs could also be given access to the United Nations television studio so that their reports could be sent to interested parties throughout the world.

39. In seeking to advance the cause of human rights, the Commission must pay more attention to public outreach and the growing media interest in human rights. Its agenda also needed to be brought into harmony with the real human rights problems around the world. Items which were outdated, irrelevant or better handled by other United Nations bodies should be dropped from the agenda. Furthermore, it served little purpose to re-invent the wheel at every session by crafting resolutions which remained virtually unchanged from year to year. To give members more time for real dialogue and innovation, the time-limits on speeches which had been instituted over the previous week could be extended at the next session to all agenda items.

40. It was time for the Commission to recognize, however, that its ability to reform itself would continue to be hamstrung as long as a few obstructionist States blocked its efforts. One way of breaking the gridlock might be to establish a reform group which could operate without a veto from such States. His delegation could not accept the conventional wisdom that the Commission was incapable of reforming itself. Without the will to change, the Commission risked irrelevancy. His delegation wanted the Commission to succeed in adapting to changing times and in becoming a more effective tool for advancing the cause of human rights. It was therefore ready to work with any other delegations which wished to pursue the same ends.

41. Mr. ZHANG Yishan (China) said that, at a time of major changes in the international situation and the abandonment by most countries of the political and ideological confrontations of the cold-war era, the question facing the international community was how to pursue human rights activities at the international level, bridging differences on issues and putting an end to confrontations in international human rights bodies. In that connection, the World Conference on Human Rights had undertaken a comprehensive review of the international community's human rights activities and had set out the principle of international cooperation in the field of human rights.

42. In order to make headway in protecting and promoting human rights on the eve of the twenty-first century, it was essential for States to show mutual respect and to seek common ground. In that regard, the Vienna Declaration and

Programme of Action had pointed out that the promotion and protection of all human rights and fundamental freedoms must be considered as a priority objective of the United Nations in accordance with its purposes and principles, in particular the purpose of international cooperation. His Government believed that a number of requirements must be met to ensure the effective implementation of the Declaration and Programme of Action.

43. First, the international community should treat the various categories of human rights in a comprehensive, objective and non-selective way. Since all human rights were universal, indivisible and interdependent, it would not be helpful to divide human rights or to affirm one category of rights at the expense of another.

44. Secondly, international cooperation should be based on mutual respect and powerful countries should not seek to impose their will on weaker ones. In recent years, however, certain countries had adopted the posture of moral tutors, throwing their weight around and accusing others at every turn. Acting out of arrogance and a sense of superiority, they had classified countries into "defenders" and "violators" of human rights. Small and weak developing countries which refused to heed their preaching were invariably subjected to repeated accusations and all types of political and economic pressure. As a result, normal cooperation in multilateral forums and in inter-State relations had been replaced by confrontations.

45. Thirdly, the particularity of each country should be recognized and no country should regard itself as the embodiment of virtue. Indeed, human society drew its strength from the differing political systems, stages of development, cultural traditions, religious beliefs and historical backgrounds in the various regions and countries. The denial of such particularity was a sign of the absence of democracy in the international community. In fact, under the pretext of upholding international standards, certain countries were acting like a rude pedlar, dumping on others their own values and systems and demanding blind acceptance of a particular model. Such a practice was unacceptable to China and to most developing countries.

46. Lastly, while the international community should work towards the goal of promoting and protecting human rights as set out in the Charter, respect for human rights should not be used as a pretext for interfering in the internal affairs of States and practising hegemonism and power politics. Regrettably, however, certain States, guided by their narrow self-interest, brandished the stick of "human rights" to stir up ideological campaigns against social systems, religious beliefs and historical and cultural traditions different from their own. Such manifestations themselves constituted the real abuse of human rights.

47. As the competent human rights organ within the United Nations system, the Commission had the tasks of improving the enjoyment of human rights in all countries in the light of their own prevailing conditions, through friendly dialogue and on an equal footing, and combating gross violations of human rights which constituted international crimes, such as colonialism, racism, apartheid and foreign aggression and occupation.

48. Unfortunately, certain countries were deliberately attempting to confuse the two fundamentally different tasks of the Commission by advocating country-specific resolutions as a means of exerting political pressure on developing countries. The Commission should reflect on its practice regarding country-specific resolutions and refrain from fostering antagonism among States so as to ensure that United Nations human rights activities evolved smoothly and in accordance with the principles set out by the Vienna Conference.

49. Mr. MIRCEA (Romania) said he welcomed the report of the High Commissioner for Human Rights on the follow-up to the World Conference. The report highlighted the significant progress made in a relatively short period towards the implementation of the principles and recommendations formulated in the Vienna Declaration and Programme of Action. The High Commissioner's conclusions on the role of his Office in the United Nations system were well-founded; there was a need for the greatest possible continuity in the innovative process launched at the Vienna Conference to strengthen human solidarity and to reaffirm the indissoluble links between human rights, democracy and development and for measures to ensure that international human rights activities were balanced and objective and based on dialogue and cooperation.

50. Promotion of a culture of human rights must be founded on appropriate information and education activities and on the practice of tolerance, based on the solid principles of democracy and the primacy of law within each society and among the nations that comprised the international community. In that connection, all United Nations human rights bodies had a contribution to make to the promotion of the concept of tolerance enshrined in the preamble to the Charter and reaffirmed in the instruments adopted at the Vienna Conference.

51. For his part, the High Commissioner should play an active role in the meetings that were scheduled to be held within the framework of the United Nations Year for Tolerance. The High Commissioner should also coordinate the specific activities of the human rights bodies dealing with the codification and progressive development of the principle of tolerance.

52. Greater emphasis must also be placed on the triad of democracy, development and human rights, which had been recognized at the Vienna Conference. At the conceptual level, activities should be encouraged to give economic and social rights the status accorded to civil and political rights and thus reaffirm the indivisibility of human rights. At the practical level, his delegation supported proposals to work towards a gradual integration of all human rights, using such mechanisms as the merging of committees charged with the implementation of the two International Covenants on Human Rights.

53. Lastly, in order to give greater weight to the agenda item on the follow-up to the Vienna Conference, it might be useful to consider under that item several of the issues that were currently dealt with under agenda item 11.

54. Ms. WALKER (Australia) said that the World Conference on Human Rights had emphasized developing human rights institutions, strengthening a pluralistic civil society and protecting vulnerable groups, all in a spirit of international cooperation and solidarity. The Conference had recommended that States should draw up national action plans to improve the protection and promotion of human rights by, inter alia, promoting the legal protection of human rights and fostering broad-based education and public information activities.

55. In its National Action Plan, her Government had attempted to pull together all the elements of its policy relating to the domestic observance of human rights and social justice. The Plan set out government measures across the full range of civil, political, economic and social rights, including the rights of indigenous peoples, children and women and the right to health and education.

56. Her Government had been using the Plan to monitor progress in meeting human rights challenges and to highlight areas where further effort was required. She hoped that the Australian Plan and progress report would be a useful guide to other States preparing their own national action plans in fulfilment of the recommendation contained in the Vienna Declaration and Programme of Action.

57. While her Government did not claim to have all the answers to human rights questions, it believed that mapping out and following clear and practical steps to improve domestic observance of international human rights standards was a constructive way to work towards that important objective.

58. Mr. CASTELLON (Nicaragua) said that, 45 years after the proclamation of the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action adopted by the 1993 World Conference on Human Rights had reaffirmed the universality of human rights and had recognized that, while the promotion and protection of human rights was primarily the responsibility of Governments, it was also a legitimate concern of the international community. The Conference had emphasized the close links between democracy, development and respect for human rights and had reaffirmed the right to development as a human right. It had also stressed that all human rights were universal, indivisible, interdependent and interrelated and must therefore be treated on the same footing.

59. The Vienna Conference had attached great importance to the ratification of international human rights instruments. In that regard, Nicaragua had ratified most of the international and regional human rights instruments and had initiated the constitutional procedures required for its adherence to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Upon its ratification, an international instrument became part of Nicaraguan domestic legislation and its provisions could be invoked before the courts. The Constitution of Nicaragua also guaranteed the human rights of the Nicaraguan people, including the rights of the communities on the Atlantic coast, which were allowed to preserve their cultural identity and to adopt their own social and administrative organization in accordance with their traditions.

60. His delegation welcomed the establishment of the post of High Commissioner for Human Rights. Since his appointment, the High Commissioner had undertaken a number of missions to various States in order to promote a frank dialogue on the promotion and protection of economic, social and cultural rights. The High Commissioner had also considered issues relating to the promotion of the rights of women, the legal status of refugees, the protection of the rights of the child, and the strengthening of international cooperation in the field of human rights. His activities in the field of preventive diplomacy could forestall major human rights crises at a later stage. It was therefore essential to increase his current limited resources.

61. The Conference had reaffirmed the responsibility of States to incorporate respect for human rights and fundamental freedoms into school curricula. One of the first steps taken by his Government after the Conference had been to include the teaching of respect for human rights in the curricula of primary and secondary schools.

62. In addition, Nicaragua and other Central American countries were promoting the development of a culture of peace and democracy in Central America. The new culture would be based on dialogue, respect and social responsibility which alone could create the social stability necessary for economic growth and the satisfaction of basic needs, essential requirements for the realization of human rights and the consolidation of peace.

63. The programme, whose executing agency was the University for Peace, promoted national education campaigns in each country for peace, democracy and human rights at both the national and municipal levels with special emphasis on former conflict areas. Training workshops were also organized for the benefit of journalists in such areas as education for peace, human rights, ethics and professional responsibility. Committees had been established in each country, made up of representatives of the various sectors of civil society.

64. His Government had requested technical advisory services from the United Nations Educational, Scientific and Cultural Organization (UNESCO) for the elaboration of an educational programme to promote a culture of peace in Nicaragua. In response, UNESCO had sent a mission to the country in November 1994 to prepare the outlines of possible projects.

65. Mr. DOLGOBORODOV (Russian Federation) said that the time was ripe for a further assessment of the follow-up to the World Conference on Human Rights. The report of the High Commissioner for Human Rights (E/CN.4/1995/98) painted a picture with both positive and negative features. His delegation welcomed the emphasis placed by the High Commissioner on intensifying the effectiveness of preventive mechanisms. His visits to various countries could prove fruitful, provided that he was able constantly to monitor progress in fulfilment of the promises made by Governments and to engage in a continuous dialogue with them, rather than confining himself to occasional contacts and reports.

66. For its part, his delegation was ready to contribute to such a dialogue regarding human rights problems in the Russian Federation. In particular, it hoped that the High Commissioner could assist in the restoration of human rights, democratic institutions and constitutional law and order in the Chechen Republic of the Russian Federation.

67. His delegation also supported the steps being taken by the High Commissioner to strengthen coordination among all the human rights mechanisms inside and outside the United Nations system. The aim of those reforms must be to focus efforts on priority human rights problems, and not to water down established concepts. The report pointed out that reform would require new resources. It would be useful, however, to make a careful study of the use to which existing resources were put; his delegation had the impression that those limited resources were sometimes dissipated and used inefficiently. For example, many of the resolutions adopted by the Commission called upon the High Commissioner to give top priority to some specific question or other. There was a danger that that could result in an undue broadening of his functions and a watering down of his mandate. Much money and effort was also spent on convening pre-sessional working groups, but their work resulted in virtually no progress.

68. His delegation would not wish to be accused of condemning the institution of special rapporteurs as such; on the contrary, it favoured strengthening their role by every possible means. The fact remained, however, that there had been a rash and unjustified broadening of that institution. There were simply too many special rapporteurs, on every conceivable question, many of whom duplicated work already completed or work in progress. Many of the documents produced proved on close scrutiny to be devoid of practical conclusions and proposals. Others were so bulky that delegations simply had no time to consider them.

69. On the other hand, not enough use was made of the research potential of the Centre for Human Rights and of the experts of the Sub-Commission. Many new topics, reflecting the contemporary state of international cooperation on human rights and which must inevitably be take. up at some point, did not receive the necessary support. The fact was that human rights were becoming an integral part of all United Nations political and peacemaking activities and there must be closer coordination between questions of human rights violations and the agenda of the Security Council.

70. Ideas on the new peacemaking role of the United Nations must not overlook the human rights element, but the courage to study all aspects of those problems still appeared to be lacking. Gross violations of human rights could represent a threat to international peace and security, but those engaged in drafting the statutes for an international criminal court had been unable to reach agreement on the manner in which questions of international responsibility for violations of human rights should be tackled.

71. The Commission was not devoting enough time to consideration of the follow-up to the Vienna Conference. If that Conference was to lead to positive practical results, the Commission must give priority to consideration of the question at its next session, and accord it the necessary attention.

72. Mr. HASHMI (Pakistan) said that the World Conference on Human Rights had provided an opportunity for the international community to address some of the most divisive issues in the field of human rights. However, disagreement persisted in many vital areas. Abstract discussion had to be translated into concrete projects. It was time to strengthen the mechanisms for eliminating the root causes of persistent violations of human rights, streamline existing human rights machinery, promote the concept of individual responsibility for grave crimes against humanity and enhance the role of non-governmental organizations.

73. The Vienna Declaration and Programme of Action had not provided practical recommendations for strengthening the existing human rights machinery. Moreover, debate on the subject had been paralysed by two conflicting views - one endorsing a restriction on human rights activities and the other advocating the preservation of the status quo. The High Commissioner for Human Rights, whose mandate had unfortunately been watered down by the need for consensus, could still play an important role by reducing inequities in the system and by promoting a balanced approach between economic, social and cultural rights and civil and political rights. He should also institute an early-warning system under which the Secretary-General could take measures to avert potential human rights emergencies.

74. An alarming trend had been emerging in the field of human rights: developed countries were defending civil and political rights while support for the right to development was being left in the hands of the developing countries. Promotion of the right to development was a collective responsibility and should not be restricted to national efforts. The international community needed to engage in substantive dialogue and to take concerted action on human rights, democracy and development. In particular, States had a collective responsibility to find ways of reducing and eliminating poverty, the most serious violation of human rights.

75. Armed conflicts and civil strife threatened international peace and security, gave rise to serious violations of human rights and created huge refugee movements. Through arbitration, mediation, peace-keeping and peacemaking, the United Nations system could prevent or attenuate major human rights crises.

76. Attitudes towards the NGOs needed to change drastically. International pressure and persuasion must be used to counter the current condescending and hostile stance towards those organizations, which should take their rightful place among human rights policy-makers.

77. Mr. STROHAL (Austria) said that implementation of the recommendations in the Vienna Declaration and Programme of Action required more than isolated activities. The Declaration and Programme of Action provided a forward-looking and action-oriented framework which charted the course of human rights action into the next century. The document reaffirmed the universality of all human rights and recognized that human rights issues were a legitimate concern of the international community.

78. The establishment of the post of High Commissioner for Human Rights was undoubtedly the most significant achievement of the Conference. His Government welcomed the determination and circumspection with which the High Commissioner had assumed his difficult responsibilities and appreciated his dedication to dialogue, consensus and solidarity. The High Commissioner's comprehensive mandate was based on several generally accepted premises: the entitlement of all to the enjoyment of human rights; the interdependence of all human rights and the interrelatedness of democracy, development and human rights. His activities were based on principles which enjoyed the overwhelming support of the international community: the need for international cooperation at all levels and a comprehensive and integrated approach.

79. His delegation welcomed the High Commissioner's efforts to elaborate a system-wide policy for preventing human rights violations. The High Commissioner had placed particular emphasis on engaging in dialogue with Governments and had already visited several countries. His delegation fully endorsed the purpose of those visits, namely, the advancement of the promotion and protection of human rights and strengthening ties between countries and the United Nations human rights programmes. It agreed that such visits could not replace missions or other human rights activities of the competent bodies concerned.

80. One of the High Commissioner's most important tools was the provision of advisory services and technical assistance in the field of human rights. The Vienna Declaration and Programme of Action had outlined the future orientation of the programme of advisory services: legal reform, protection of vulnerable groups, strengthening the rule of law and democratic institutions, and assistance in the field of the administration of justice.

81. The High Commissioner had also been authorized to coordinate the human rights activities of the entire United Nations system. In that connection, the establishment of ongoing dialogue between him and the United Nations agencies and programmes, entailing a regular exchange of information, experiences and expertise, was most welcome. The recommendations of the meeting of special rapporteurs, representatives and experts and chairpersons of working groups, held from 30 May to 1 June 1994, should be taken into account in future deliberations.

82. As the host to the World Conference on Human Rights, his Government was committed to the full implementation of the recommendations contained in the Vienna document. His delegation had, in previous years, submitted to the Commission and the General Assembly draft resolutions on that matter, which had been adopted by consensus. It was again submitting such a draft resolution to the Commission at its current session.

83. Many concrete recommendations contained in the Vienna Declaration and Programme of Action had been taken up by various bodies. In his view, item 25 of the Commission's agenda was not the appropriate place for consideration of individual recommendations, which were being discussed under other agenda items. Item 25 provided rather an opportunity for a comprehensive evaluation of the progress achieved to date in implementing the entire set of recommendations.

84. Mr. SYMONIDES (United Nations Educational, Scientific and Cultural Organization (UNESCO)) said that the World Conference on Human Rights had recognized that the specialized agencies played a vital role in the formulation, promotion and implementation of human rights standards within the scope of their mandates. UNESCO, which attached great importance to the results of the World Conference, had adopted at its General Conference several resolutions dealing with implementation of the Vienna Declaration and Programme of Action.

85. From the UNESCO viewpoint, one of the main results of the World Conference on Human Rights was the recognition of the importance of human rights education. In its resolution 49/184, the General Assembly had proclaimed the United Nations Decade for Human Rights Education, had requested the High Commissioner for Human Rights to coordinate the implementation of the World Plan of Action on Education for Human Rights and Democracy, and had invited the specialized agencies to participate in those efforts. UNESCO had played an active part in drafting the World Plan of Action. That collaborative effort clearly demonstrated that the call for increased coordination within the United Nations human rights system was being heeded.

86. UNESCO would be carrying out, in close coordination with the High Commissioner and the Centre for Human Rights, three main activities in the field of education for peace, human rights and democracy. First, it would be promoting educational policies and national plans and programmes and, to that end, would continue to maintain a regular dialogue with the ministers of education of its member States. Secondly, it would be assisting in the elaboration and publication of manuals, textbooks and teaching aids for human rights education at all levels. Thirdly, it would be endeavouring to reinforce the existing institutional networks active in the field of human rights and education.

87. Planned activities were by no means limited to education for human rights. UNESCO was also implementing a number of projects connected with the campaign against all forms of discrimination and designed to promote the rights of various minorities.

88. The Vienna Conference had emphasized the need to strengthen the enjoyment of economic, social and cultural rights. UNESCO had elaborated more than 30 standard-setting instruments dealing with various aspects of cultural rights. None the less, those rights were still an underdeveloped category and UNESCO had a major role to play in promoting them. To that end, it had organized a series of meetings and had sponsored numerous studies. It hoped to create a monitoring body to protect the human rights and fundamental freedoms of intellectuals.

89. In its resolution 48/126, the General Assembly had invited UNESCO to assume the role of lead organization for the 1995 United Nations Year for Tolerance. At a time when the international community was confronted with a resurgence of intolerance, it was urgent to do more than deplore and condemn violations of human rights. The international community must develop a fresh approach, using new tools and new policies. As the Director-General of UNESCO had pointed out, the best way to promote tolerance was to empower every human being so that he or she was aware of all the options.

90. He wished to express his gratitude to the Commission on Human Rights for its assistance in helping UNESCO prepare the draft declaration on tolerance, which included a declaration of principles and a programme of action as a follow-up to the Year for Tolerance.

91. Mr. DON NONJIRA (Observer for Kenya) said that three outcomes of the World Conference on Human Rights were of particular importance: the establishment of the post of High Commissioner for Human Rights; recognition of the equal status of the rights of women as human and inalienable rights; and recognition of the right to development as a human right. It was important to preserve the spirit of consensus that had emerged at that Conference.

92. Preparations should begin towards the end of the 1990s for the second World Conference on Human Rights, since those issues would not disappear with the advent of a new century. A thorough review and assessment of the Vienna Programme of Action would be needed and a new strategy must be mapped out. The success of the new world order in the twenty-first century would depend on how the international community dealt with such issues as human rights, drugs and arms trading, natural and human disasters, population explosion, and the environment.

93. The conditions for the full implementation of the Vienna Declaration and Programme of Action were threefold. First, the international community must exercise its political will, by timely implementation of Government decisions and recommendations and by timely ratification and application of international human rights instruments. Secondly, adequate resources must be found to facilitate the full and equal enjoyment of human rights. It was incumbent on all the actors involved to ensure a non-selective, universal and integrated approach to the realization of all human rights and fundamental freedoms. Human rights concerns should be included in all development plans and programmes. Lastly, more attention should be paid to preventive measures to reduce human rights violations.

94. Mr. GULEY (Observer for the Ukraine) said that the full implementation of the Vienna Declaration and Programme of Action depended on follow-up efforts at the international, national and local levels. In that connection, his delegation had submitted to the Third Committee at the forty-ninth session of the General Assembly, a draft resolution on reinforcement of coordination in the area of human rights within the United Nations system.

95. The Vienna Declaration and Programme of Action had accorded particular attention to regional mechanisms for the promotion and protection of human rights, the purpose of which was to strengthen the universal standards contained in international human rights instruments. His country was party to the basic instruments and had integrated their provisions into its domestic legislation. It participated in regional mechanisms through its membership of the Organization for Security and Cooperation in Europe and hoped to become a member of the Council of Europe and, consequently, a party to the European Convention on Human Rights.

96. The new subregional mechanisms on the territory of the former Soviet Union, including the Commission for Human Rights of the Commonwealth of

Independent States (CIS), might be a useful framework for action for newly independent States which had not yet been able to adhere to the basic international instruments.

97. The World Conference on Human Rights had also emphasized the need for activities to disseminate human rights knowledge. In his country, human rights education would be directed towards three main groups: the student population, the legal profession and the general public.

98. The Conference had also accorded priority to finding a lasting solution to the problem of refugees and migrants. In addition to the problems generally associated with refugees, his country had inherited the heavy burden of the massive violations of human rights committed in the former Soviet Union. Ukraine's geographical location also made it a prime transit route for illegal immigrants attempting to reach Western Europe, many of whom ended up remaining in his country.

99. For those reasons and due to the difficult general economic and social situation, his Government was not in a position to comply fully with the obligations arising from the Convention relating to the Status of Refugees. It hoped that the High Commissioner for Refugees would assist it in its efforts to improve the refugee situation. It welcomed the High Commissioner's intention to establish a UNHCR office at Kiev.

100. Mr. YOUNG (Chile) said that the most important achievement of the World Conference on Human Rights had been the recognition of the connection between democracy, human rights and development, given that harmony between those three factors implied the eradication of poverty and the creation of conditions for freedom. Democracy, which was based on a people's freely-expressed choice of political, economic and social systems and full participation in all aspects of society, represented the integration of the various civil and political rights. Sustaining democracy required respect for the entire set of fundamental human rights. The promotion of democracy and development were thus prerequisites for the full exercise of human rights.

101. His Government endorsed the conclusion of the Conference that support should be provided to the least developed countries in their transition to democracy. Noteworthy in that connection was the electoral assistance that had been provided to Mozambique, the efforts to dismantle the system of apartheid and the assistance for the new democracy in South Africa.

102. The establishment of the post of High Commissioner for Human Rights was the most important advance in the field of human rights since the Universal Declaration. The promotion of human rights by the High Commissioner should not, however, serve as a substitute for the work of other organs in the human rights system. The High Commissioner, acting in a complementary capacity, would work to implement the decisions of the other organs.

103. The Vienna Declaration and Programme of Action attached great importance to the protection of the human rights of persons belonging to vulnerable groups, such as migrant workers who had constantly to face discriminatory

policies, xenophobia and repressive measures. The High Commissioner should be provided with the necessary resources to take more strenuous action to encourage States to put an end to such racist phenomena.

104. His Government welcomed the resolutions adopted at the current session of the Commission on drafting a human rights framework for indigenous people and establishing a mechanism that would lead to the future creation of a permanent forum for such people.

105. His Government was attentive to the need to realize the goal of complete equality for women and the full enjoyment of their human rights. The relevant resolutions adopted on the subject and the Fourth World Conference on Women, to be held in September 1995, were positive steps in that direction.

106. Given that 1995 had been declared the United Nations Year for Tolerance, and in view of the importance that the Vienna Conference had attached to education, training and public information on human rights in promoting mutual understanding, tolerance and peace, it was essential to develop an education-for-tolerance programme. All Member States should seek to remove from educational texts any material that fomented intolerance, exclusion or national, ethnic or religious hatred.

107. His delegation was concerned at the slow pace of progress towards achieving better implementation at the regional and international levels of the existing human rights instruments. It had supported the establishment by the Security Council of the International Tribunals for Rwanda and the former Yugoslavia. However, the establishment of a permanent international criminal court was particularly urgent, so that the international community could respond without delay to massive human rights violations.

108. Mr. CARILLO (Andean Commission of Jurists) said that the new post of High Commissioner for Human Rights had enormous potential for coordinating the various human rights mechanisms and procedures within the United Nations system. The High Commissioner should attempt to centralize the work of special rapporteurs, working groups, the Special Committee against Apartheid, the Committee on the Elimination of Discrimination against Women and the Committee on Crime Prevention and Control, cooperate with the specialized agencies and NGOs, strengthen preventive and early-warning mechanisms and improve the flow of information so that he could react without delay to massive human rights violations.

109. As the Centre for Human Rights was the High Commissioner's natural office, its budget must reflect the importance of its task and the severe budgetary limitations it was currently facing must be overcome. It would also be useful to consider whether the High Commissioner might not establish a consultative body directly linked to advisory and information needs for specific subjects and critical situations.

110. With regard to the alternative between creating an implementation mechanism or simply making more effective use of existing resources to rationalize the work of the Commission, he did not think that those two options were incompatible. The Vienna Declaration and Programme of Action must be implemented as a whole, and not selectively.

111. Mr. WADLOW (World Federalist Movement) said that the Commission must be more actively involved in the political negotiations on ending armed conflicts and preventing tension from escalating into conflict. The former Yugoslavia was a case in point. The efforts of the Commission had been vital to the establishment of the International Tribunal and to the pre-trial investigations. The human rights dimension had played little role, however, in negotiations and did not seem central to the concerns of the Contact Group.

112. Another example was the conflict between Abkhazia and Georgia, which had erupted while the Sub-Commission on Prevention of Discrimination and Protection of Minorities had been in session. Unfortunately, the Sub-Commission had minimized the importance of the confrontation and the conflict had escalated. United Nations human rights bodies had also been absent from the negotiations on the drawing up of a new constitution, where they could have insisted on the need to incorporate provisions on the protection of minorities.

113. As for the conflict between Armenia and Azerbaijan and the question of the status of Nagorno-Karabakh, the Organization for Security and Cooperation in Europe (OSCE) had played a leading role in mediation efforts in an area of concern to the United Nations. Coordination and preventive diplomacy were also vital in connection with the nationality laws and the non-Balt minorities in Estonia, Latvia and Lithuania. It would be useful if the High Commissioner for Human Rights could play an advisory role in that area.

114. Chechnya was a crucial test case; to date, the United Nations had been scarcely involved, and the Bureau of the Commission should be empowered to take appropriate action between sessions to ensure that human rights were central to any negotiated settlement.

115. Ms. BRANTLEY (International League for Human Rights) said that the right to development was not the prerogative of a single State or group of States, any more than economic, social and cultural rights or civil and political rights were. Democracy, development and human rights formed a single, interrelated entity. Human rights were the responsibility of all and must not be politicized.

116. The Commission had created thematic procedures to give effect to the rights that constituted the basis of democracy and development. Such procedures should be interlinked and strengthened. For example, the thematic procedure on freedom of expression should be coordinated with the proposed thematic procedure on democracy and the thematic procedure on displacement with questions of development. Without development and democracy, there would be war. If the thematic procedures remained ineffective or Governments did not respond to the recommendations contained therein, human rights would not be implemented. That was the thinking that would make it possible to put an end to war and to ensure a better life for all human beings.

117. Mr. MORA GODOY (Cuba) said that a group of countries had been attempting to introduce concepts that departed from the spirit and letter of the Vienna Declaration and Programme of Action. Those countries had questioned the principles of non-selectivity, impartiality and objectivity reaffirmed in the Vienna Declaration and called into question the right to development and

self-determination as well as violations in situations of occupation and foreign domination. It was unacceptable to incorporate concepts such as preventive diplomacy, peacemaking and early-warning systems into the United Nations programme for the promotion and protection of human rights.

118. A number of delegations had been accused of being indifferent to efforts to improve the efficiency of the Commission, and his own had been criticized for its role in the informal, open-ended working group on the rationalization of the work of the Commission. His delegation had, however, made a number of proposals in the working group that had been ignored by a group of Western countries which, for their part, had gone so far as to challenge the sovereign right of member States and regional groups to submit initiatives. Unlike Cuba, the same countries had ignored the proposals made by the countries of the South and had stood in the way of a package decision on Commission on Human Rights resolution 1993/98 and decision 1994/111.

119. Just one month after the adoption of the Vienna Declaration, the Government of the United States of America had broken with the current consensus, embarking upon an attempt to sabotage the spirit of Vienna and politicize the work of the Commission, in blatant disregard for the will of the vast majority of the world's countries.

120. The Chairman said that the Commission had concluded its deliberations on agenda item 25.

The meeting rose at 6.05 p.m.